

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

CRAIG J. SIMON,

v.

EXPERIAN INFORMATION
SOLUTIONS, INC.

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NO. _____

DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.'S
NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant Experian Information Solutions, Inc. ("Experian") hereby files its Notice of Removal of the above-captioned action to this Court and respectfully states as follows:

A. Introduction

1. Experian is the sole Defendant in Civil Action No. 24324, filed in the City Court of Crowley, Parish of Acadia (the "State Court Action").
2. The Petition in the State Court Action was filed with the Clerk of the City Court of Crowley, Parish of Acadia on February 5, 2013. Experian was served with the Petition on February 15, 2013.
3. This Notice is being filed with this Court within thirty (30) days after Experian received a copy of Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based. This Notice is thus timely filed under 28 U.S.C. § 1446(b).
4. A copy of all process, pleadings, and orders served upon the Defendant in the State Court Action are attached as Exhibit A to this notice, as required by 28 U.S.C. § 1446(a).
5. Experian is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling consumer credit information or other information on

consumers for the purpose of furnishing consumer reports to third parties. Experian uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f).

B. Basis for Removal

6. Removal is proper because Plaintiff’s suit involves a federal question. *See* 28 U.S.C. §§ 1331, 1441(a); *Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308, 312 (2005). Specifically, Plaintiff’s claims arise under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* *See* Plaintiff’s Petition, ¶ 8. Thus, this Court has original subject matter jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p.

7. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district.

8. Promptly after the filing of this Notice of Removal, Experian shall provide notice of the removal to Plaintiff and to the clerk of the Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

C. Jury Demand

9. Plaintiff did not demand a jury in the State Court Action.

D. Conclusion

10. For these reasons, Experian asks the Court to remove the action to this federal court.

February 25, 2013

Respectfully submitted,

/s/ Nancy Brechtel

Nancy Brechtel (#27974)

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ATTORNEY FOR DEFENDANT
EXPERIAN INFORMATION
SOLUTIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2013, a true and correct copy of the foregoing instrument was served via certified mail, return receipt requested and facsimile to:

Kenneth O. Privat
Scott J. Privat
Privat & Privat
Post Office Box 449
525 West Court Circle
Crowley, Louisiana 70527

/s/ Nancy Brechtel
Nancy Brechtel